EXECUTORS AND ADMINISTRATORS — APPOINTMENT AND TENURE OF OFFICE — EFFECT OF REVOCATION OF ADMINISTRATION. — A's executors proved his will in England, but overlooked assets in India. Representing that A had died intestate, C got administration in India and sold the assets there to a *bona fide* purchaser. On discovery of the fraud, this administration was revoked. *Held*, that the executors cannot recover the assets. *Craster* v. *Thomas*, 101 L. T. R. 66 (Eng., Ch. D., June 9, 1909).

In England, if a grant of administration is revoked because of the discovery of a will naming executors, acts previously done thereunder are void. For by force of the will, title to the deceased's goods vested in the executors from the time of the testator's death. *Ellis* v. *Ellis*, [1905] 1 Ch. 613. *Contra*, *Thompson* v. *Samson*, 64 Cal. 330. But if the discovered will names no executor, title vests in the probate court. Therefore good title could be conveyed under its first grant of administration. *Boxall* v. *Boxall*, 27 Ch. D. 220. In the principal case, the executors would have to get ancillary probate, or its equivalent, before they could sue to recover the assets in India; nevertheless it would seem that they have title to the assets before such probate. See *Atkins* v. *Smith*, 2 Atk. 63. *Cf. Roe* v. *Summerset*, 2 W. Bl. 692. Such being the case, the *bona fide* purchaser did not get the legal title. While the doctrine of the principal case is unsupported by English precedent and unaffected by the Indian statutes under which the case directly arises, it is in harmony with the prevalent American doctrine. For by the American cases the title of an executor or administrator to property is given by the court, whose authority must be had as a condition precedent to a suit for possession. *Cf. Dial* v. *Gary*, 14 S. C. 573.

FEDERAL COURTS — AUTHORITY OF STATE LAW — CONSTRUCTION OF WILL. — An action of ejectment turned upon the construction of a will. A state court of last resort gave to the will an interpretation different from that placed upon it by the federal court at an earlier trial. The case came again before the federal court on a second writ of error. *Held*, that the decision of the state court will not be followed. *Messinger* v. *Anderson*, 171 Fed. 785 (C. C. A., Sixth Circ.). See NOTES p. 139.

FEDERAL COURTS — JURISDICTION BASED ON DIVERSITY OF CITIZENSHIP — SUIT AGAINST JOINT-STOCK COMPANY IN NAME OF ITS PRESIDENT. — Suit was brought in a federal court against a joint-stock company organized under a New York statute with the right to sue and be sued in the name of its president. The president, the only named defendant, was a citizen of Ohio, and the plaintiff, a citizen of Pennsylvania. *Held*, that the diversity of citizenship necessary to confer jurisdiction on the federal courts does not sufficiently appear. *Taylor* v. *Weir*, 42 N. Y. L. J. 93 (C. C. A., Third Circ., May, 1909).

The citizenship of one of several partners in the same state wherein an adverse party is a citizen will defeat federal jurisdiction over any suit to which the partnership is a party. Hence the citizenship of each of the partners must appear. *Chapman* v. *Barney*, 129 U. S. 677. A joint-stock company organized under the New York statute is not a corporation, but a partnership. *People, ex rel. Winchester* v. *Coleman*, 133 N. Y. 279. The question therefore is, whether the statutory provision that suits may be brought against the association in the name of its president makes his citizenship conclusive on the question of diversity. The citizenship of a trustee, or of a receiver of a corporation, is conclusive. *Goodnow* v. *Oakley*, 68 Ia. 25; *Brisenden* v. *Chamberlain*, 53 Fed. 307. But the domicile of a next friend suing for an infant, or of a sheriff suing on a forthcoming bond, is immaterial. *Dodd* v. *Ghiselin*, 27 Fed. 405; *Wade* v. *Wortsman*, 29 Fed. 754. The distinction seems to be between a mere formal party and one who has the legal title, or the substantial control of the property. In the principal case, the president fulfilled neither of these requirements; the statute provided that any judgment should bind only the property of the association. The decision, therefore, seems correct.